

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LINA AMBASA CASEY,

Petitioner,

No. CIV S-00-2581 FCD DAD P

vs.

JOHN ASHCROFT, et al.,

Respondents.

ORDER

In response to this court's order filed June 7, 2005, the parties have filed a stipulation to transfer the action to the Ninth Circuit Court of Appeals pursuant to Public Law 109-13, the Real ID Act of 2005. The court agrees that the case is appropriate for transfer.

Pursuant to the special notice issued by the Ninth Circuit Court of Appeals on June 2, 2005, concerning transfers pursuant to the Real ID Act, the district court informs the Court of Appeals that petitioner sought a stay of deportation from the district court by filing a motion for temporary restraining order and emergency stay on November 21, 2000, simultaneously with the filing of her petition for writ of habeas corpus and complaint for declaratory and injunctive relief. On November 21, 2000, the district judge enjoined respondents from enforcing petitioner's final deportation order or taking any action to detain petitioner on the basis of that order. After a hearing conducted on December 6, 2000, the district judge issued an

1 order on December 26, 2000, denying petitioner's motion for preliminary injunction, dissolving  
2 the temporary restraining order, and extending the emergency stay of deportation for thirty days.

3 Petitioner filed an interlocutory appeal on January 25, 2001. In case No. 01-  
4 15149, the Ninth Circuit Court of Appeals denied petitioner's motion for a further stay of  
5 deportation. Petitioner was deported to and released in the Philippines on February 23, 2001. On  
6 May 21, 2001, the Court of Appeals affirmed the district court's order denying the preliminary  
7 injunction. The May 21, 2001 order was served on the district court on July 17, 2001.

8 After further proceedings in this court, findings and recommendations were issued  
9 by the magistrate judge on March 2, 2005, recommending that petitioner's amended petition for  
10 writ of habeas corpus and complaint for injunctive and declaratory relief be granted, that  
11 petitioner's order of deportation be declared contrary to law, and that a writ of habeas corpus be  
12 issued directing respondents to vacate petitioner's final order of deportation, allow petitioner to  
13 return to the United States, and remand the matter through the Board of Immigration Appeals to  
14 the immigration judge for further proceedings. Respondents were granted a lengthy extension of  
15 time to file objections to the findings and recommendations. Respondents filed their objections  
16 on May 10, 2005. The Real ID Act of 2005 was enacted on May 11, 2005.

17 IT IS HEREBY ORDERED that:

18 1. This action is transferred to the Ninth Circuit Court of Appeals as a Petition for  
19 Review; and

20 2. The clerk of the court shall transmit the entire case file to the Ninth Circuit  
21 Court of Appeals simultaneously with this transfer order.

22 DATED: June 22, 2005.

23   
24 \_\_\_\_\_  
25 DALE A. DROZD  
26 UNITED STATES MAGISTRATE JUDGE

25 DAD:13  
26 case2581.RIDAttransfer